

From: Phil Mitchell
To: Microsoft ATR
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Subject: Microsoft Settlement

NO COLLECTION OF SPECIAL-PURPOSE RESTRAINTS CAN ALTER THE STRUCTURAL REALITY OF MICROSOFT'S MONOPOLY OVER THE DESKTOP OS.

I am a programmer, software developer, and entrepreneur. I am writing to say that the proposed settlement is woefully short of addressing the fundamental problem of the Microsoft monopoly. Other people have commented on various technical aspects of the proposed settlement (such as enforceability, etc.), and I won't reiterate those points. The larger problem is that no collection of special-purpose restraints (such as forcing Microsoft to cede OEM desktop control, etc.) can alter the structural reality of Microsoft's monopoly over the desktop OS. That is like negotiating over the size and shape of electrical outlets with the company that owns the electric grid. Microsoft's monopolistic advantage is much broader and deeper than any particular business practice that might be restrained.

What hasn't been discussed publicly is the idea that it is APPROPRIATE for the OS to be treated monopolistically. There is great benefit, for businesses, consumers, and developers, to be had from standardization on a single OS. But we will receive this benefit only if the OS is ADMINISTERED AS A PUBLIC UTILITY, for the common good. Microsoft certainly has not done so. The first step in this direction is to force Microsoft to split off its OS unit from every other business unit.